

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PAUL SMITH,

Plaintiff,
v.

9:12-CV-1153
(DNH/TWD)

DONALD UHLER, LIEUTENANT ANCTEL,
L. STICKNEY,

Defendants.

APPEARANCES:

PAUL SMITH 00-A-2268
Plaintiff, pro se
Five Points Correctional Facility, Caller Box 119
Romulus, New York 14541

HON. ERIC T. SCHNEIDERMAN
Office of the Attorney General - Albany
Counsel for Respondent
The Capitol
Albany, New York 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

CHRISTOPHER W. HALL, ESQ.

DECISION and ORDER

Pro se plaintiff Paul Smith filed this action on July 18, 2012. On June 24, 2015, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 37 be granted. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

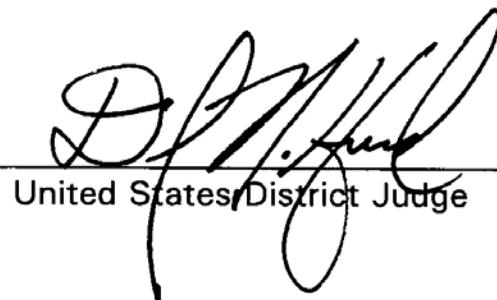
Therefore, it is

ORDERED that

1. Defendant's motion to dismiss (ECF No. 56) is GRANTED with prejudice;
2. Plaintiff's complaint is DISMISSED IN ITS ENTIRETY; and
3. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance

with the Local Rules.

IT IS SO ORDERED.



A handwritten signature in black ink, appearing to read "D. J. Flynn".

United States District Judge

Dated: September 24, 2015
Utica, New York.